



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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ALHAMBRA, CALIFORNIA 91803-1331  
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**GAIL FARBER, Director**

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

November 16, 2010

## ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

21 NOVEMBER 16, 2010

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Dear Supervisors:

**AWARD OF A PUBLIC WORKS CONSTRUCTION CONTRACT  
LAKE-ALAMEDA LANDSCAPED ACCESS PATH  
IN THE CITY OF BURBANK  
(SUPERVISORIAL DISTRICT 5)  
(3 VOTES)**

### **SUBJECT**

This action is to find the bids submitted by the first through seventh and the ninth lowest bidders nonresponsive for failure to meet the requirements of a good faith effort as provided in the contract specifications, award a public works construction contract for the Lake-Alameda Landscaped Access Path project to the eighth lowest bidder, and authorize the Director of Public Works or her designee to execute a contract for work in the City of Burbank.

### **IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Find the bids of the first through seventh and the ninth lowest bidders nonresponsive for failure to meet the requirements of a good faith effort at the time of bid as provided in the contract specifications.
2. Award a construction contract to the eighth lowest responsive and apparent responsible bidder, Sully-Miller Contracting Company, in the amount of \$1,449,940, for Project ID No. WMD0000102 – Lake-Alameda Landscaped Access Path, to construct a concrete pathway, an irrigation system, and landscaping, in the City of Burbank.

3. Authorize the Director of Public Works or her designee to execute the construction contract in the form previously approved by County Counsel; and establish the effective date following receipt of approved Faithful Performance and Labor and Material bonds filed by the contractor.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended action is to obtain approval from the County of Los Angeles Board of Supervisors (Board), acting as the governing body of the Los Angeles Flood Control District, to find the bids of the first through seventh and the ninth lowest bidders nonresponsive and award this construction contract to the eighth lowest bidder and authorize the Director of Public Works or her designee to execute the contract and establish the effective contract date following receipt of approved Faithful Performance and Labor and Materials Bonds and insurance filed by the contractor for this project.

On June 29, 2010, Agenda Item 50, your Board approved the project, adopted the plans and specifications, called for bids to be received August 24, 2010, and instructed the Executive Officer of the Board to readvertise the project

This contract is bound by Federal regulations, which include requirements to encourage participation by minority, women, disadvantaged, and disabled veterans business enterprises. In compliance with these regulations, bidders were required to submit with their bids a "good faith effort" that documents an outreach effort to minority, women, disadvantaged, and disabled veteran business enterprises at least two weeks prior to bid opening to encourage their participation. These requirements were included in the contract specifications with instructions that failure to submit adequate evidence of an outreach would result in the bid being considered nonresponsive.

On August 24, 2010, bids were opened and the lowest bid was from Pivot Group, Inc., in the amount of \$918,340.40. However, Pivot Group, Inc., including the second through seventh and the ninth lowest bidders, did not submit with their bids adequate documentation to satisfy the good faith effort criteria as required in the contract specifications. Therefore, we recommend the bids submitted by the first through seventh and the ninth lowest bidders be found nonresponsive and the contract be awarded to the eighth lowest bidder, Sully-Miller Contracting Company, who submitted an adequate good faith effort with its bid.

The enclosure includes the project description, the call for bids and bid opening dates, a tabulation of bids, and financial information. The certified record of receipt of bids and the original bid proposal are also enclosed for this project.

The recommended construction contract is necessary to execute a Board directed and approved Department of Public Works (Public Works) project in support of operational missions. Your Board's approval of the recommended contract award and the subsequent execution of the contract will ensure the timely completion of the project.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). The recommended actions will help meet these goals by providing a greenway that improves aesthetics and enriches the quality of life for residents of the community.

### **FISCAL IMPACT/FINANCING**

This action will have no impact to the County General Fund.

Funding is included in the Fiscal Year 2010-11 Flood Control District (District) Fund Budget. The City of Burbank (City) will reimburse the District 52 percent or approximately \$753,969 of the construction contract cost with Federal Community Development Block Grant Funds in accordance with Cooperative Agreement No. 76097 between the District and the City and executed by your Board on May 15, 2007, Agenda Item 46. The District will cover the remaining 48 percent or approximately \$695,971 of the construction contract cost.

The enclosure includes the amount of the recommended contract as compared with the engineer's estimate, the other bids received, and more detailed fiscal and financial information.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel. The recommended contract was solicited on an open competitive basis and is in accordance with applicable Federal, State, and County requirements. The contractor is in compliance with the requirements of the Chief Executive Officer and your Board.

The award of this contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. This contract contains terms and conditions supporting your Board's ordinances, policies, and programs including, but not limited to: the County of Los Angeles' (County) Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; the County's Defaulted Property Tax Reduction Program Ordinance, Los Angeles County Code, Chapter 2.206; and the standard Board directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by each respective contractor was considered before making this recommendation to award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this project and are on file with Public Works.

### **ENVIRONMENTAL DOCUMENTATION**

On May 15, 2007, Agenda Item 46, your Board found this project categorically exempt from the provisions of the California Environmental Quality Act.

### **CONTRACTING PROCESS**

The contract was solicited on an open-competitive basis in accordance with the provisions of the State Public Contract Code.

The State Labor Code requires contractors to pay prevailing wage rates to all persons employed on public works construction contracts. These rates are determined by the Department of Industrial Relations and include contributions for fringe benefits such as vacations, pension funds, training, and health plans for each employee.

To further increase contractor awareness of contracting opportunities with Public Works, this project was listed on the County website for upcoming bids.

Public Works will review and approve the Faithful Performance and payment bonds filed by the contractor.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

When the project is completed, it will have a positive impact by providing a greenway that improves aesthetics thereby enriching the quality of life for residents of the community.

**CONCLUSION**

Please return one adopted copy of this letter to Public Works, Construction Division.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER  
Director

GF:JTS:ss

Enclosures

c: Chief Executive Office  
County Counsel  
Executive Office  
Office of Affirmative Action Compliance

AWARD OF CONTRACT  
November 16, 2010

PROJECT ID NO. WMD0000102 – LAKE-ALAMEDA LANDSCAPED ACCESS PATH (in the City of Burbank), Supervisorial District 5

TYPE OF WORK: Construction of a paved access pathway, retaining wall, stairway, and bollards; installation of an automatic irrigation system, walkway lighting fixtures, chainlink fence, and guardrails; planting of trees, shrubs, and ground cover; and the performance of other appurtenant work.

CALL FOR BIDS DATE: June 29, 2010 (Agenda Item 50)

BID OPENING DATE: August 24, 2010

BID SUMMARY:

\*Successful Bidder

Sully-Miller Contracting Company	\$1,449,940.00
135 South State College Boulevard, Suite 400	
Brea, California 92821	
(714) 578-9600	

\*Pivot Group, Inc.; Mega Way Enterprises; Simgel Company, Inc.; Yakar; Vido Samarzich, Inc.; Minco Construction; S. H. E. Engineering & Construction Group, Inc.; and Los Angeles Engineering, Inc.; submitted bids in the amounts of \$918,340.40, \$1,084,350.81, \$1,179,656.00, \$1,189,539.66, \$1,335,516.20, \$1,338,721.50, \$1,374,844.75, and \$1,520,483.35, respectively. However, their bids did not include adequate documentation to satisfy the good faith effort criteria as required in the contract specifications. Therefore, it is recommended that their bids be found nonresponsive and rejected as provided in the contract specifications.

FINANCIAL INFORMATION:

Amount of estimate	\$1,339,511.30
Amount of recommended contract	\$1,449,940.00
Amount of recommended contract above estimate	\$ 110,428.70

The amount of recommended contract is 8.2 percent above the estimate.

Funding is included in the Fiscal Year 2010-11 Flood Control District (District) Fund Budget. The City of Burbank (City) will reimburse the District 52 percent of the construction contract cost with Federal Community Development Block Grant Funds in accordance with Cooperative Agreement No. 76097 between the District and the City and executed by your Board on May 15, 2007, Agenda Item 46.

MINORITY/WOMEN-OWNED BUSINESS ENTERPRISE DATA:

Sully-Miller Contracting Company has four MWBE subcontractors under this contract, yielding a proposed MWBE participation of 45 percent.

ENVIRONMENTAL IMPACT:

On May 15, 2007, Agenda Item 46, your Board found this project categorically exempt from the provisions of the California Environmental Quality Act.

CONSTRUCTION SCHEDULE:

This project is to be completed in 120 working days. It is estimated the work will start in February 2011 and be completed in August 2011.

MR:ss